

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHEASTERN DIVISION

Rodney Ebertowski,

Plaintiff,

vs.

Jo Anne B. Barnhardt, Commissioner of  
Social Security Administration,

Defendant.

**ORDER**

Civil No. 2:05-cv-39


Plaintiff, Rodney Ebertowski, sought judicial review of the final decision of the Commissioner of Social Security denying his application for disability insurance benefits. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636 (2002), recommending that Plaintiff's Motion for Summary Judgment be denied, Defendant's Motion for Summary Judgment be granted, and judgment be entered affirming the decision of the Commissioner. No party has filed an objection to this recommendation within the requisite time period. Local Rule 72.1(E)(4).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's Motion for Summary Judgment is **DENIED** and Defendant's Motion for Summary Judgment is **GRANTED**.

**IT IS ORDERED THAT** the decision of the Commissioner is affirmed.

**IT IS SO ORDERED.**

Dated this 31st day of March, 2006.

  
Ralph R. Erickson, District Judge  
United States District Court